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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW WADE BEASLEY,

Defendant.

Case No. 2:22-mj-171-EJY

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Richard Anthony Lopez and Eric C. Schmale, Assistant United States Attorneys, counsel for the United States of America, and Robert M. Draskovich, Esquire, counsel for Defendant MATTHEW WADE BEASLEY, that the Court schedule the preliminary hearing in this case for no earlier than 120 days from the date of the filing of this stipulation. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

This stipulation is entered into for the following reasons:

1 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
2 preliminary hearing within a reasonable time, but no later than 14 days after the initial
3 appearance if the defendant is in custody”

4 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
5 showing of good cause—taking into account the public interest in the prompt disposition of
6 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
7 times”

8 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
9 information or indictment charging an individual with the commission of an offense shall be
10 filed within thirty days from the date on which such individual was arrested or served with a
11 summons in connection with such charges.”

12 4. In this case, the parties are attempting to resolve this matter before the
13 defendant is formally charged by a criminal indictment and therefore seek an extension of
14 the deadlines to do so. This continuance is not sought for the purposes of delay, but to allow
15 defense counsel an opportunity to examine the merits of this case before a potential
16 resolution can be reached between the parties.

17 5. Accordingly, the parties jointly request that the Court schedule the
18 preliminary hearing in this case no sooner than 120 days from today’s date.

19 6. Defendant is in custody and agrees to the extension of the 14-day deadline
20 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
21 § 3161(b).

22 7. This extension supports the public interest in the prompt disposition of
23 criminal cases by permitting defendant time to consider entering into a pre-indictment plea
24 agreement.

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**Order on Stipulation to Extend
Deadlines to Conduct Preliminary
Hearing and
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on March 22, 2022, at the hour of 4:00 p.m., be vacated and continued to July 7, 2022 at the hour of 4:00 pm in Courtroom 3B.

DATED this 9th day of March, 2022.


HONORABLE ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE